

**FILED**

J.N.

MAY 22 2008

5-22-08

MICHAEL W. DOBBINS

CLERK U.S. DISTRICT COURT

## UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN

DISTRICT COURT

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

ABDERRAHMANE KHELLIL  
also known as "Marco Lubrano"

CASE NUMBER

08CR

MAGISTRATE JUDGE ASHMAN

411

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 4, 2003 at Chicago, in the Northern District of Illinois, defendant did, knowingly and willfully make materially false writings knowing the same to contain a materially false, fictitious, and fraudulent statement in a matter within the jurisdiction of the Department of Homeland Security Immigration and Customs Enforcement ("ICE"), an agency within the executive branch of the Government of the United States in that the defendant falsely represented in a Form I-485, Application to Register Permanent Residence or Adjust that his place of last entry into the United States was Maryland and that he was not inspected by a U.S. Immigration Officer; in violation of Title 18 United States Code, Section 1001(a)(3).

I further state that I am a(n) Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE") and that this complaint is based on the following facts:

See Attached Affidavit.

Continued on the attached sheet and made a part hereof.

☒ Yes☐ No  
Richard Lyons

Signature of Complainant

Sworn to before me and subscribed in my presence,

MAY 22 2008

Date

at

Chicago, Illinois

City and State

Magistrate Judge Martin C. Ashman

Name &amp; Title of Judicial Officer

  
Signature of Judicial Officer

STATE OF ILLINOIS                     )  
  )  
COUNTY OF COOK                    )                     SS

**AFFIDAVIT**

I, RICHARD LYONS, being duly sworn, hereby depose and state:

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Joint Terrorist Task Force in Chicago, Illinois, and have been a Special Agent for approximately 21 years. I am a graduate of the Federal Law Enforcement Training Center, Glynco, Georgia, where I received extensive training and instruction in federal law, rules of evidence, and federal investigative techniques. During my time in law enforcement, I have received extensive training in and developed extensive experience with crimes involving alien smuggling, counterfeit documents, illegal United States entries, marriage fraud and immigration fraud investigations.

2. The information provided in this affidavit was obtained from personal observations, training and experience, interviews of sources, my review of records, my personal knowledge of this investigation and information from other law enforcement officers. The information is solely a summary of the facts known in this case and is submitted for the limited purpose of establishing probable cause in support of a Complaint charging ABDERRAHMANE KHELLIL with violating federal criminal law, Title 18 U.S.C. Section 1001. This affidavit does not contain all the facts known to me concerning this investigation.

3. On the basis of this information, I allege facts contained herein to show that there is probable cause to believe that defendant ABDERRAHMANE KHELLIL did

knowingly and willfully make materially false writings knowing the same to contain a materially false, fictitious, and fraudulent statement in a matter within the jurisdiction of the Department of Homeland Security Immigration and Customs Enforcement ("ICE"), an agency within the executive branch of the Government of the United States, in that KHELLIL falsely represented on a Form I-485, Application to Register Permanent Residence or Adjust, that his place of last entry into the United States was Maryland and that he was not inspected by a U.S. Immigration Officer; in violation of Title 18, United States Code, Section 1001(a)(3).

**Khellil Statements to DHS/ICE**

4. Based on information provided by law enforcement sources, the Department of Homeland Security, Immigration and Customs Enforcement (ICE) has been investigating ABDERRAHMANE KHELLIL for immigration fraud.

5. On September 27, 1999, Abderrahmane KHELLIL filed with the Immigration and Naturalization Service (INS) a sworn application for Asylum and Withholding of Removal. He listed his date of birth as September 10, 1972, and place of birth as Algiers, Alegeria. KHELLIL provided the address of 425 Stockton Street, #607, San Francisco, California as his home address on the application. On November 1, 1999, the KHELLIL Asylum application was received by the INS, San Francisco, CA office. KHELLIL claimed on the application that on December 2, 1998 he departed Algeria by cargo ship destined for the United States and arrived in the United States on December 28, 1998 at Baltimore, Maryland, as a stowaway on a cargo ship and without U.S Immigration Inspector's admission. KHELLIL checked the box "NO" on the asylum application when asked if he had previously entered the United States. KHELLIL also made claims

in the sworn asylum application that while he was living in Algeria in 1997-1998, he was afraid he would be killed by the Armed Islamic Group, known by its initials in French, "GIA," for "Groupe Islamique Armee."

6. An Asylum application must be filed within a one-year period from the alien's arrival into the United States. See 8 CFR § 208.4.

7. On December 1, 1999, KHELLIL was interviewed by an Immigration and Naturalization Service (INS) asylum officer in the San Francisco office. KHELLIL confirmed the claims he made in his sworn asylum application by stating to the Asylum Officer that he last arrived in the United States on December 28, 1998 at Baltimore, Maryland, as a stowaway on a cargo ship.

8. On January 6, 2000, on the basis of KHELLIL'S information and representations the Immigration & Naturalization Service (INS) San Francisco Asylum office approved the KHELLIL asylum application.

9. On June 4, 2003, a Form I-485 (Application to Register Permanent Residence or Adjust Status). The Form I-485 was mailed from the Law Office of Kenneth Geman & Associates to Citizenship and Immigration Service, Lincoln, NE for processing. KHELLIL submitted Form 1040 (U.S. Individual Income Tax Form) tax returns for years 2000, 2001 and 2002 to support the filing of CIS Form I-485. The 2000, 2001 and 2002 Federal tax returns provided the home address of 4207 North Kedvale, 2D, Chicago, Illinois as KHELLIL'S residence. This form also, as in his asylum application, states that his last place of entry into the United States was Maryland and that he was not inspected by a U.S. Immigration Officer.

10. On December 19, 2005, an updated Form G-325A (Biographical Information) was mailed to Citizenship & Immigration Service (CIS) in support of KHELLIL'S Form I-485. KHELLIL'S G-325A states that Abderrahmane KHELLIL resided at 125 Stockton, San Francisco, CA from December 1998 until February 2002. This statement is contrary to U.S. addresses provided on 2000, 2001 and 2002 Federal tax returns submitted in behalf of his filing of Form I-485. The Form G-325A was mailed from the Law Office of Kenneth Geman & Associates to Citizenship and Immigration Service, (CIS) Lincoln, NE for processing of Form I-485 (Application to Register Permanent Residence or Adjust Status).

11. On July 17, 2007, KHELLIL mailed an AR-11 (Alien's Change of Address Card) that indicated that KHELLIL moved from 4059 N. Kilbourn, Chicago, Illinois to 5215 West Byron Avenue, 2<sup>nd</sup> Floor, Chicago, Illinois. On the AR-11 KHELLIL again stated that he entered the United States on December 28, 1998, at Maryland.

**Evidence of Falsity of Khellil's Statements to DHS/ICE**

12. On June 27, 2005, a property management company turned over to ICE two sets of identification documents that were found underneath a refrigerator in a then recently vacant apartment at 4207 N Kedvale, #2D, Chicago, Illinois. The identification documents provided to ICE included (i) an Illinois Commercial Driver's License (CDL) photo license issued to an individual named Marco Lubrano with a date of birth of July 25, 1972, and (ii) a Social Security card bearing the number xxx-xx-7326 issued to Marco Lubrano. The property management company indicated that the 4207 North Kedvale, #2D, Chicago, Illinois apartment was leased to Abderezack Khellil from 2000-2004.

13. A review of alien files and immigration databases revealed that Abderezack Khellil and Abderrahmane KHELLIL are brothers. Abderezack Khellil entered the United States on September 9, 1996, as a recipient of a diversity visa.

14. I queried the Treasury Enforcement Communications database for travel information regarding the name Marco Lubrano and date of birth July 25, 1972. The database showed that on December 30, 1993, an individual named Marco Lubrano with the date of birth of July 25, 1972, arrived at Chicago O'Hare International Airport on Scandinavian Airlines flight from Copenhagen, Denmark and presented U.S. Immigration Inspectors with an Italian passport for admission into the United States.

15. In 2006, a cooperating witness (hereinafter CW) informed ICE agents that the CW knew a man named Abderrahmane KHELLIL in Copenhagen, Denmark and that he had flown on a plane with KHELLIL on December 30, 1993 from Copenhagen, Denmark to Chicago, O'Hare International Airport. The CW himself acknowledged traveling on a false passport Italian passport that he had purchased in Denmark. At the time of the flight, the CW did not know what type of identification documents KHELLIL presented for entry into the United States.

16. The CW learned shortly after arriving in the United States in December of 1993 that KHELLIL was using the name Marco Lubrano. The CW knew this because he observed the name "Marco Lubrano" on the mailbox where KHELLIL was living in Justice, Illinois.

17. An ICE inquiry of the Social Security Department regarding Marco Lubrano revealed that on February 10, 1994, an individual named Marco Lubrano with the date of birth of July 25, 1972, applied for and received a social security card bearing the number

xxx-xx-7326. The social security card issued contained the wording "not valid for employment." Social Security Administration records reflect that Lubrano provided the home address of 1 Hickory Trace Drive, Building #23, Justice, Illinois on the Social Security application and indicated his place of birth as Figua, Italy. The card was issued at a Social Security office on the North Side of Chicago.

18. The ICE inquiry to the Social Security Department also revealed that on March 03, 1994, an individual named Marco Lubrano with the date of birth of July 25, 1972, applied for and received a replacement Social Security card bearing number xxx-xx-7326 from the Social Security Administration. Lubrano provided the home address of 1 Hickory Trace Drive, Building #23, Justice, Illinois, on the Social Security application and indicated his place of birth as Figua, Italy. The card was issued at the same Social Security office on the North Side of Chicago referenced in the paragraph above described above.

19. A law enforcement query of Illinois Secretary of State databases revealed that on November 24, 1998, an individual named Marco Lubrano with the date of birth of July 25, 1972, was issued an Illinois CDL photo license, L165-5407-2211 containing the social security number xxx-xx-7326. The Illinois CDL photo license included the address of 8650 South 84<sup>th</sup> Court, Hickory Hills, Illinois 60457. I reviewed the photo on the Illinois CDL photo license of Lubrano and recognized it to be KHELLIL based on the photograph he provided to DHS/ICE with his asylum application and the photograph on KHELLIL'S Illinois CDL photo license.

20. The law encodement inquiry further revealed that on July 23, 1999, an individual named Marco Lubrano with date of birth of July 25, 1972 was issued another Illinois

CDL photo license, L165-5407-2211. The Illinois CDL photo license included the address of 8650 South 84<sup>th</sup> Court, Hickory Hills, Illinois 60457. I reviewed the photo on the Illinois CDL photo license of Lubrano and recognized it to be KHELLIL based on the photograph he provided to DHS/ICE with his asylum application and the photograph on KHELLIL'S Illinois CDL photo license.

21. A search of law enforcement databases revealed that KHELLIL'S brother, Abderezack Khellil, at some time resided at 8640 South 84<sup>th</sup> Court, #1, Hickory Hills, Illinois 60457.

22. Social Security Administration records revealed that on May 24, 2000, KHELLIL applied for and received a Social Security card bearing number xxx-xx-1619 in the name Abderrahmane Khellil. The Social Security Administration indicates that KHELLIL presented documentation indicating "alien allowed to work". KHELLIL provided the home address of 9333 South Harlem Avenue, #11A, Oak Lawn, Illinois 60457 on the Social Security application and indicated his place of birth as Algiers, Algeria. The social security card was issued at the same Social Security office on the North Side of Chicago as the social security cards issued to Marco Lubrano in 1994 as described in paragraphs 17 and 18 above..

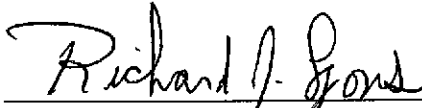
23. On May 25, 2000, KHELLIL applied for and received a replacement Social Security card bearing number xxx-xx-1619. The Social Security Administration file indicates that KHELLIL presented documentation indicating "alien allowed to work". The replacement social security card was issued at the same Social Security office on the North Side of Chicago as the social security cards issued to KHELLIL the day before and to Marco Lubrano in 1994.



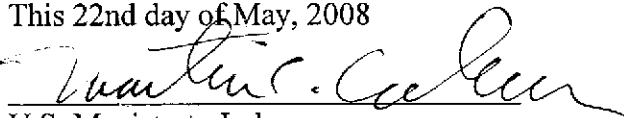
24. Illinois Corporation records indicate that on October 4, 2000, KHELLIL filed corporation documents as the President and agent of Khellil Brothers, Inc., located at 2960 North Lincoln Avenue, Chicago, Illinois. It also listed Abderrahmane KHELLIL, President, as residing at 9333 South Harlem Avenue, Oak Lawn, Illinois 60453.

25. A TransUnion Credit Report of an individual named Marco Lubrano associated with Social Security number xxx-xx-7326 showed that at some point Lubrano resided at address 9333 South Harlem, #11A, Oak Lawn, Illinois 60453.

26. Based on the facts described above, I submit that there is probable cause to believe that on June 4, 2003, at Chicago, in the Northern District of Illinois, KHELLIL did knowingly and willfully make materially false writings knowing the same to contain a materially false, fictitious, and fraudulent statement in a matter within the jurisdiction of the Department of Homeland Security Immigration and Customs Enforcement ("ICE"), an agency within the executive branch of the Government of the United States in that the defendant falsely represented on a Form I-485, Application to Register Permanent Residence or Adjust, that his place of last entry into the United States was Maryland and that he was not inspected by a U.S. Immigration Officer; in violation of Title 18, United States Code, Section 1001(a)(3).

  
Richard Lyons, Special Agent  
Department of Homeland Security, ICE

Subscribed and sworn to before me,  
This 22nd day of May, 2008

  
U.S. Magistrate Judge